HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION No.2128 OF 2006

PETITIONER		Ramashankar Kaushik, aged about 50 years, son of Late Dau Ram Kaushik, Excise Contractor, Resident of village Tarda, Tahsil and district Korba (Chhattisgarh)
		Versus
RESPONDENTS	1.	The State of Chhattisgarh, Through – the Secretary, Department of Excise, Dau Kalyan Singh Bhawan, Mantralay, Raipur (C.G.)
	2.	The Excise Commissioner, Shiv Bhawan, Raipur (C.G.)
	3.	District Excise Officer, Distt. Korba (Chhattisgarh)
	4.	Collector, Distt. Korba (C.G.)
	5.	Anandi Singh, aged about 50 years, son of Kailash Singh Excise Contractor, Resident of Sector 242, Ward No. 15 Jhalap, Mahasamund Distt. Mahasamund (C.G.)
	6.	Mahendra Singh Bhatia, aged about 55 years, son of Shri Harbansh Singh Bhatia, Excise contractor...
		Power of Attorney Holder of Respondent No. 5 (Anandi Singh)

Present : Shri Prashant Jayaswal, learned Sr. Advocate with Shri Ali Asgar, learned counsel for the petitioner.
Shri Prashant Mishra, learned Addl. Adv. Gen. with Shri Yashwant Singh, learned Govt. Adv. for the State.

ORAL ORDER
(Passed on 25th April, 2006)

The petitioner is the licensee of a shop for selling country spirit at Naharpara near Sanjay Nagar in the city of Korba and he has been running the shop w.e.f. 01-04-2006. It is stated that the respondents 5 and 6 are the rival traders engaged in selling of country sprit and

therefore, they have set up certain rowdies to interfere with the lawful business of the petitioner in his shop. When those persons started interfering with the business of the petitioner, he instituted a suit in the Civil Court and the Civil Court granted temporary injunction on 05-04-2006. It is the complaint of the petitioner that notwithstanding the temporary injunction granted by the Civil Court, respondents 5 and 6 have again set up certain other rowdies to interfere with his business. So alleging, the petitioner has filed this writ petition seeking intervention of the Court and for a direction to the respondents / Public Authorities to ensure peaceful conduct of the business by the petitioner in accordance with the licence conditions.

(2) It is not the case of the petitioner that any of the respondents / Public Authorities, namely, respondents 1 to 4 either directly or indirectly interfered with the conduct of business of the petitioner in his shop. The allegation is against respondents 5 and 6 and some men set up by them. In that view of the matter, this writ petition does not deserve to be admitted for decision-making. However, it needs to be noticed that if the petitioner is entitled to run his business in terms of the licence without interference by respondents 5 and 6 or men acting on behalf of them and if they in fact interfere with the lawful conduct of business of the petitioner in his shop and if such act results in a commission of any offence, the same may be brought to the notice of the Superintendent of Police, Korba District to take appropriate action against such persons. The copies of certain representations already made to the Public Authorities are filed in this writ petition, but, I do not find any direct representation made to the Superintendent of Police, Korba District requesting him to take

appropriate action to maintain law and order and take action against those persons who come to the shop of the petitioner and disturb conduct of business in the shop. In that view of the matter, while dismissing the writ petition, I direct that if a representation is made by the petitioner to the Superintendent of Police, Korba District with regard to his grievance, briefly noted above, it is trusted that if the Superintendent of Police, Korba District after necessary enquiry and investigation finds merit in the grievance, he would take appropriate action, in accordance with law. Before parting with this case, I should state that I have referred to the allegations of the petitioner briefly Supra as stated in the writ petition. It should not be taken that the Court has taken those allegations to be correct or true. It is for the local law enforcing authorities to appreciate the grievance of the petitioner and take appropriate steps, in accordance with law.

Sd/-
Chief Justice

Subba